

# **9 FAM PART IV Appendix F, 200 VISA REFUSAL CASES**

*(TL:VISA-271; 05-09-2001)*

## **9 FAM Appendix F, 201 DEFINITIONS OF REFUSAL CATEGORIES**

### **9 FAM Appendix F, 201.1 Category One**

*(TL:VISA-271; 05-09-2001)*

Category One consists of cases in which visas have been refused on the basis of INA 212(a)(1), (2), (3), (6)(B), (C), (E), and (8), as redesignated by Pub. L. 101-649, effective June 1, 1991. Posts must retain Category One refusal files indefinitely. [See *9 FAM Part IV* Appendix D, 204.4 Automated Visa Systems, for automatic purging from CLASS.] [See also *9 FAM* 42.81.]

### **9 FAM PART IV Appendix F, 201.2 Category Two**

*(TL:VISA-271; 05-09-2001)*

Category Two consists of cases in which visas have been refused under any other provision(s) of the immigration laws and regulations. Posts must *note* the index card pertaining to the case for a two-year retention period and destroy such cases in January of the following year, except as provided in *9 FAM Part IV* Appendix F, 202.4 and *9 FAM Part IV* Appendix F, 202.5.

## **9 FAM Appendix F, 202 MAINTAINING REFUSAL FILES**

### **9 FAM Appendix F, 202.1 Separation by Category**

*(TL:VISA-271; 05-09-2001)*

Posts must separate and maintain files of refusal cases in the two categories described above. The distinction between the two categories lies solely in the ground(s) on which the refusal was based; within these categories, nonimmigrant and immigrant cases may be filed in a single alphabetical series. Larger posts, particularly those where the IV and NIV units are some distance apart, may prefer to maintain separate IV and NIV files. [See *9 FAM Part IV* Appendix F, 303 regarding cross-referencing classified material, if any, in Category Two cases.]

## **9 FAM PART IV Appendix F, 202.2 Safeguarding Category One Cases**

(TL:VISA-271; 05-09-2001)

*Classified Category One refusal files must be stored in combination vaults or safes approved for classified material. Unclassified Category One refusal files must at a minimum be stored in bar-lock cabinets that must be secured at the end of the day.*

## **9 FAM PART IV Appendix F, 202.3 Quasi-refusal Cases**

(TL:VISA-271; 05-09-2001)

The consular officer may not execute Form OF-194 in a quasi-refusal case in which Category One grounds of ineligibility appear to exist, since at this stage the alien has not applied formally for a visa, but should have the pertinent data entered in CLASS if the alien is not already listed therein. [See 9 FAM 41.121 PN2.2 , 9 FAM 42.81 PN2.2 .]

## **9 FAM PART IV Appendix F, 202.4 Indicating Disposition on File Folders**

(TL:VISA-119; 7-3-95)

Posts must stamp files of Category One cases with a ½ inch high letter “R” (indicating retain). On Category Two files, posts should stamp the letter “D” (indicating destroy), again ½ inch high, on the folders’ labels, followed by the last two digits of the year the retention period expires. Posts should destroy all such files in January of the following year.

## **9 FAM PART IV Appendix F, 202.5 Filing Category Two Refusals**

(TL:VISA-119; 7-3-95)

Although most posts are required to file Category Two refusals in the consolidated A-Z files, automated posts are permitted to file Category Two refusals chronologically. Filing these refusals by date will facilitate retrieval and the destruction of these records. The NIVCAPS case number contains the date the record was entered into NIVCAPS which also helps locate the record.

## **9 FAM PART IV Appendix F, 202.6 Changing Disposition Dates**

*(TL:VISA-119; 7-3-95)*

Whenever a case is reconsidered and a new refusal decision is made, post must revise the retention period in Category Two cases by changing the “D” indicator to a new two-year retention period subsequent to the latest decision. If there is an annotated Form OF-224B, it too must be changed.

## **9 FAM PART IV Appendix F, 202.7 Visas Issued Under INA 212(d)(3)(A) Waiver**

*(TL:VISA-119; 7-3-95)*

If an applicant for a nonimmigrant visa is found to be ineligible but is issued a visa as a result of an INA 212(d)(3)(A) waiver, posts must place the relevant papers in the appropriate Category One or Two “refusal” file, not in the “issued” file.